

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

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Date: 2021.09.23
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WRIT PETITION NO. 1193 OF 2016

Dr.(Ms.) Rubina Shankar Lal

..... Petitioner

VERSUS

SNDT Women's University & Ors.

..... Respondents

Mr.C.R.Sadasivan for the Petitioner.

Mr.Rui A. Rodrigues for the Respondent no.1.

Mr.Kedar Dighe, A.G.P. for the State – Respondent nos. 2 and 3.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 21st SEPTEMBER, 2021

P.C:-

We have heard learned counsel for the parties and have perused the averments made in the petition along with prayers and affidavit in reply filed by the respondent no.1 as well as respondent nos. 2 and 3.

2. A perusal of the affidavit filed by the respondent no.1 on 10th January, 2018 indicates that it is the case of the respondent no.1 that the details regarding re-fixation of pay was forwarded to the office of the Joint Director, i.e. respondent no.3 vide letter dated 14th August, 2017, however, there was no response. The respondent no.1 appears to have

sent proposal for provisional pension pending the approval of final pension to the office of the respondent no.3 by letter dated 12th June, 2017. However, there was no response.

3. According to the respondent nos. 2 and 3 in the affidavit in reply dated 9th November, 2017, the petitioner who had stood retired from service at the age of 62 years on 30th November, 2013 has already received her provident fund amount on 16th April, 2015 through ECS. It is the case of the respondent nos. 2 and 3 that the petitioner was in service in unaided college on 16th August, 1995 till 19th July, 1998. Only from 20th July, 1998, the petitioner started working as a lecturer with the respondent no.1 University which is an aided institution. According to the respondent nos. 2 and 3, the retirement benefits of the petitioner can be considered by the respondent nos. 2 and 3 from the date she was employed with aided institution.

4. In paragraph (8) of the said affidavit it is stated by the respondent nos. 2 and 3 that if the petitioner is ready and willing to accept all the retirement dues (pending) to be calculated from the date of her service in aided college i.e. from 20th July, 1998, the same can be

processed within a period of eight weeks from the date, the respondent no.1 submits their proposal to the office of the respondent no.3.

5. Mr.Sadasivan, learned counsel for the petitioner on instruction states that the petitioner has been paid provisional pension on 7th May, 2018 in the sum of Rs.3,50,532/- and in the month of May 2020 in the sum of Rs.3,65,811/- and no other amount is received either towards provisional pension or final pension. Learned counsel on instruction states that his client is ready and willing to give up his claim for the retirement benefits for the period 16th August, 1995 to 19th July, 1998 against the respondents as suggested by the respondent nos. 2 and 3 in its affidavit filed on 9th November, 2017. Statement made by the learned counsel is accepted.

6. In view of the statements made by the learned counsel for the petitioner, we direct the respondent no.1 University to send the revised proposal for approval to the respondent nos. 2 and 3 to be computed on the basis of the statement made by the learned counsel for the petitioner with all retirement benefits on the basis of the last post held by the petitioner with the respondent no.1 University within three

weeks from today. Statement is accepted.

7. Upon receipt of such proposal, the respondent nos. 2 and 3 shall consider the said proposal and release the payment due and payable to the petitioner after deducting the amount released, if any, within four weeks thereafter. The respondent nos. 2 and 3 shall consider such proposal in accordance with law.

8. If there are any deficiencies according to the respondent nos. 2 and 3 on the said proposal to be sent by the respondent no.1, such deficiency shall be pointed out within two weeks from the date of such receipt of such proposal. The deficiency if any shall be sorted out by the respondent within two weeks thereafter. If any details are required from the petitioner, the petitioner will furnish such details to the University or to the respondent nos. 2 and 3 expeditiously. The respondent nos. 2 and 3 in that event shall consider the said proposal and to release the payment due within four weeks from the date of respondent no.1 curing such deficiency.

9. It is made clear that whatever amount is already released by the respondent nos. 2 and 3 in favour of the petitioner out of the

entitlement of the petitioner, the respondent nos. 2 and 3 would be at liberty to deduct such amount from the final amount payable to the petitioner.

10. The parties are at liberty to apply in case of any difficulty.

11. Writ petition is disposed of in the aforesaid terms. No order as to costs.

12. The parties to act on the authenticated copy of this order.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]